

FERGUSON TOWNSHIP BOARD OF SUPERVISORS
Regular Meeting Agenda
Monday, January 4, 2021, 7:00 PM

Join Zoom Meeting:
<https://us02web.zoom.us/j/86212785518>
Meeting ID: 862 1278 5518
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I. CALL TO ORDER

II. CITIZENS INPUT

III. APPROVAL OF MINUTES

1. December 7, 2020 Board of Supervisors Regular Meeting Minutes
2. December 14, 2020 Board of Supervisors Regular Meeting Minutes

IV. SPECIAL REPORTS

- a. COVID-19 (Coronavirus) Response Report
- b. Centre County Purchase of Agricultural Conservation Easements (PACE) Program Report

V. UNFINISHED BUSINESS

1. Public Hearing – Extension of Emergency COVID Ordinance
2. Public Hearing – Workforce Housing Ordinance
3. Public Hearing – Fee Schedule Amendment Resolution
4. Continued Discussion – West Whitehall Road Stormwater Runoff

VI. NEW BUSINESS

1. Consent Agenda
2. Board Member Request – Parks and Recreation Ordinance Amendment

VII. REPORTS

1. COG Committee Reports
2. Other Regional Reports
3. Staff Reports

VIII. COMMUNICATIONS TO THE BOARD

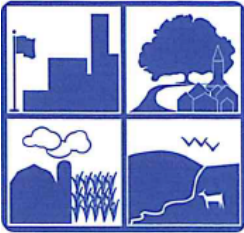
IX. CALENDAR ITEMS – JANUARY

[Virtual Coffee and Conversation](#), Saturday, January 16, 2021, 8:00 a.m.

X. ADJOURNMENT



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TOWNSHIP OF FERGUSON

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**Board of Supervisors
Regular Meeting Agenda
Monday, January 4, 2021
7:00 P.M.**

- I. CALL TO ORDER**
- II. CITIZEN'S INPUT**
- III. APPROVAL OF MINUTES**
 1. December 7, 2020 Board of Supervisors Regular Meeting Minutes
 2. December 14, 2020 Board of Supervisors Regular Meeting Minutes
- IV. SPECIAL REPORTS** 30 minutes
 1. COVID-19 (Coronavirus) Response Report – David Pribulka, Township Manager
 2. Centre County Purchase of Agricultural Conservation Easements (PACE) Program Report – Diana Griffith, Centre County PACE Program Coordinator
- V. UNFINISHED BUSINESS**
 - 1. A PUBLIC HEARING ON AN EXTENSION OF AN EMERGENCY COVID ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA REQUIRING THE WEARING OF FACE COVERINGS AND IMPLEMENTING ADDITIONAL REGULATIONS TO REDUCE THE RISK OF TRANSMISSION OF THE COVID-19 VIRUS.** 10 minutes

Narrative

Provided with the agenda is a copy of an ordinance advertised for public hearing extended the temporary emergency regulations established to reduce the transmission of the COVID-19 virus. The emergency ordinance was adopted by the Board on September 21, 2020 and is set to expire on January 31, 2021. The ordinance that is presented this evening extends those restrictions through June 30, 2021, or at the expiration of the emergency declarations of the Centre Region Council of Governments and the Pennsylvania Department of Health. If the Board is interested in modifying any of the temporary restrictions in the ordinance, the public hearing can be continued to January 14th for consideration of any amendments prior to the current regulations expiring.

Recommended Motion: That the Board of Supervisors adopt the ordinance extending the effective date of the temporary emergency COVID Ordinance through June 30, 2021, or the expiration of the emergency declarations passed by the Centre Region Council of Governments and the Pennsylvania Department of Health, whichever is earlier.

Staff Recommendation

That the Board of Supervisors **approve** the extension of the ordinance.

- 2. A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 27, ZONING; PART 3, TERRACED STREETScape (TS) DISTRICT BY AMENDING §27-304.3.B.3. BUILDING HEIGHT INCENTIVES AND AMENDING CHAPTER 27, ZONING; PART 7, SUPPLEMENTAL REGULATIONS; SECTION 716, WORKFORCE HOUSING BY REPEALING IT AND REPLACING IT IN ITS ENTIRETY.** 20 minutes

Narrative

In response to the Workforce Housing Ordinance amendments, Planning Staff reviewed the Terraced Streetscape (TS) Zoning District and the Traditional Town Development (TTD) Zoning District and is recommending that Chapter 27, Zoning; Part 3, Residential Planned Development and Mixed Use; Section 204, Terraced Streetscape (TS) District be amended by adding the following to §27-304.3.B.3. Building Height Incentives to read:

3. If a building is complying with §27-716. Workforce Housing, the by right maximum height of 55 feet may be increased to accommodate bonus market rate units, not to exceed 75 65 feet.

The Workforce Housing Ordinance is codified under Supplemental Regulations in Chapter 27, Zoning and applies to zoning districts where the provisions of workforce housing units are required or incentivized. Currently, the Township requires a contingency of workforce housing to be built in the Traditional Town Development (TTD) Zoning District and is incentivized in the Terraced Streetscape (TS) Zoning District.

Provided with the agenda is the draft amendment to the Workforce Housing Ordinance. This ordinance would be applicable to the following development within the TTD and TS Zoning Districts:

- Ten or more residential dwelling units;
- Renovation of a residential structure that results in ten or more additional residential dwelling units within five years; and
- Conversion of a nonresidential property to a residential property that results in ten or more residential dwelling units within five years.

It expands upon the legacy workforce program by allowing for rentals or owner-occupied units; and provides workforce housing units to be built on-site, off-site, and/or paid through fee-in-lieu. The draft has been received and reviewed by all local, regional and county reviewers.

Recommended motion: That the Board of Supervisors adopt the ordinance amending Chapter 27, Zoning, Part 3, Residential Planned Development and Mixed Use, Section 304, Terraced Streetscape District by amending §27-304.B.3. and amending Chapter 27, Zoning, Part 7, Supplemental Regulations; Section 716, Workforce Housing by repealing it and replacing it in its entirety.

Staff Recommendation

That the Board of Supervisors **adopt** the ordinance.

3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AMENDING RESOLUTION 2020-36 BY ESTABLISHING FEES IN LIEU OF WORKFORCE HOUSING. 10 minutes

Narrative

Provided with the agenda is a copy of the resolution advertised for public hearing amending Resolution 2020-36 by establishing fees in lieu of workforce housing. The additional fees were removed from the resolution considered on December 14, 2020, since the Board did not act on the workforce housing ordinance amendment. Staff is still researching the assessment of fees for subdivision and land development review time by Planning staff.

Recommended motion: That the Board of Supervisors adopt the resolution amending Resolution 2020-36 by establishing fees in lieu of workforce housing.

Staff Recommendation

That the Board of Supervisors **adopt** the resolution.

4. CONTINUED DISCUSSION – WEST WHITEHALL ROAD STORMWATER RUNOFF 20 minutes

Narrative

Mr. Bender, 6315 W Whitehall Road, has approached Township staff a number of times over the past many years regarding stormwater ponding on his property. His property is located in a depression, or bowl so to speak, surrounded by high ground including other private property owners on 3 sides and W Whitehall Road to his south. Most recently, Kevin Bloom, PE, of this office conducted a field view and provided a report of his findings that is provided with tonight's agenda. In addition, during the design phase for the Whitehall Road paving project in 2019, Mr. Bender expressed his concern about stormwater. Staff reviewed various options, all of which were costly and not part of the scope of the road paving project. The matter involves upstream private property stormwater, comingled with Township road stormwater that flows downhill to his property and during certain storm events is trapped and ponds on his property. Staff met in person with Mr. Bender recently at 6315 W Whitehall Road, listened and sympathized with his concern, described alternative remedies considered by staff, and noted such problems of comingled private property stormwater exist throughout the Township and staff does not have the authority to expend approximately \$45,000 on such a project that would also require an engineering design prior to putting a project out to bid. Mr. Bender has decided to approach the Board of Supervisors and request a capital project on his behalf.

As requested, engineering staff completed an analysis of the drainage area tributary to the Bender residence on Whitehall Road. Staff also completed an analysis of the stormwater flow to the point of interest. The attached drainage area map and summary table are excerpts from the report. The summary table presents 3 different options to consider the impacts of private property and public property on stormwater to the point of interest. These three options consider percent contribution by upstream drainage area, impervious area, and flow.

Staff Recommendation

That the Board of Supervisors **discuss** the item and **direct** staff to proceed based on the outcome of the discussion.

VI. NEW BUSINESS

- 1. CONSENT AGENDA** 5 minutes
 - a. Contract 2020-C5, Pay App 1: \$14,603.83
 - b. Contract 2018-PWGG Electrical, Pay App 8: \$97,989.39
 - c. Contract 2018-PWGG HVAC, Pay App 4: \$ \$46,706.75

- 2. BOARD MEMBER REQUEST – PARKS AND RECREATION ORDINANCE AMENDMENT** 20 minutes

Narrative

Provided with the agenda are several documents requested by Ms. Dininni for review and consideration by the Board pertaining to the proposed amendment to the Ferguson Township Parks and Recreation Ordinance. Ms. Dininni will introduce the item. Below is a link to the Centre Region COG Articles of Agreement for the Parks and Recreation Program.

[Centre Region Parks and Recreation Board Joint Articles of Agreement](#)

VII. STAFF AND COMMITTEE REPORTS

- 1. COG COMMITTEE REPORTS** 10 minutes
 - a. Executive Committee
 - b. Transportation & Land Use Committee

- 2. OTHER COMMITTEE REPORTS** 5 minutes
 - a. Climate Action & Adaption TAG

- 3. STAFF REPORTS** 15 minutes
 - a. Manager’s Report – no written report
 - b. Public Works Director – no written report
 - c. Planning and Zoning Director – no written report

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